

**ST CLAIR COUNTY RESOLUTION 24- 10 RE: PARENTS RIGHTS
TO DIRECT THE EDUCATION OF THEIR CHILDREN
WITHOUT GOVERNMENT INTERFERENCE**

The Board of Commissioners having met in Regular Session this day of May 2024, to present a formal resolution supporting parents' rights to educate their children prompted by the current efforts by some state legislators and the governor of Michigan advocating for the regulation of homeschooling in Michigan thru enactment of a homeschool registry or other forms of regulation.

The St Clair County Board of Commissioners deems this to be a subject of significant public interest warranting a resolution in support of the right of every parent to direct the education of their children which can include the homeschooling of their children if they so choose without regulation or other interference by the government or any other organization.

WHEREAS St Clair County Board of Commissioners acknowledges that Michigan parents may lawfully elect to educate their children at home commonly referred to as homeschooling under MCL 380.1561 3(f), being the Michigan Revised School Code, Public Act PA 451 of 1976 which provides that a child is not required to attend a public school if the child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. The law further provides that parents electing to homeschool their children are not regulated by the Michigan Department of Education or required to report to any state agency.

WHEREAS St Clair County Board of Commissioners recognize that parents have a God-given right to decide the best interest for their children. This includes the right to protect their innocence, identity, morality, peace of mind, gender, cohesiveness with others, emotional well-being, the relationship with their creator, their parents and with the family unit.

WHEREAS St Clair County Board of Commissioners recognize that parents have a constitutionally protected liberty interest in the care, custody, and control of their children which includes the right of every parent to direct the education of their children including homeschooling of their children if they so choose. This right is not to be infringed or diminished in any manner whatsoever.

WHEREAS St Clair County Board of Commissioners finds there is no documented problem with the homeschool community in Michigan to justify plans for a registry.

WHEREAS St Clair County Board of Commissioners believes a homeschool registry and any additional regulations would unreasonably and unnecessarily restrict families' educational freedom.

WHEREAS St Clair County Board of Commissioners acknowledges that when parents choose to remove their kids from government schools to be educated outside the government educational system, these kids are no longer under the government's care, nor should they be.

WHEREAS St Clair County Board of Commissioners finds that testing of homeschooled children show that homeschool students generally fare better academically than their public-school counterparts.

WHEREAS St Clair County Board of Commissioners finds that based on the crime rate statistics at public schools, homeschool students are likely much safer at home.

WHEREAS St Clair County Board of Commissioners finds that state and Federal law is clear and the Supreme Court of The United States has reaffirmed in many rulings that parents have a historical fundamental right to be in the care, custody and control of their children, and their education.

WHEREAS St Clair County Board of Commissioners acknowledges that parents have a fundamental right to direct the education of their children that is protected by the U.S. Constitution and the strict scrutiny test used by courts to evaluate cases concerning fundamental rights is the correct standard of review for government actions that interfere with the right of parents to educate their children.

WHEREAS St Clair County Board of Commissioners acknowledges that the Michigan Constitution of 1963, Article 8, Section 1 encourages education with the following provision "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." That constitutional provision encourages parents to educate their children in matters of religion and morality which many times are a significant component of a home school curriculum chosen by parents and employed in homeschooling and neither of which are included in the curriculum at our public schools.

WHEREAS St Clair County Board of Commissioners acknowledges that Section 10 of Michigan Public Act PA 451 of 1976 provides that "It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. Section 10, Michigan Revised School Code, MCL 380.10.

WHEREAS St Clair County Board of Commissioners acknowledges that the Fourteenth Amendment to the US Constitution provides that no State shall "deprive any person of life, liberty, or property, without due process of law." The 14th amendment includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." *Troxel v. Granville* 530 U.S. 6,7 (2000); see also *Reno v. Flores*, 507 U.S. 292, 301-302 (1993).

WHEREAS St. Clair County Board of Commissioners acknowledges that the right of parents to educate their children is a non-political natural right that the U.S. Supreme Court has recognized as 'beyond debate' and rooted in the history and culture of Western civilization.

WHEREAS St Clair County Board of Commissioners acknowledges that parents have a constitutionally protected liberty interest in the care, custody, and control of their children, and that it is one of the oldest of the fundamental liberty interests recognized by this the U.S Supreme Court. More than 100 years ago, in *Meyer v. Nebraska*, 262 U.S. 390,399,401 (1923), the court held that the "liberty" protected by the Due Process Clause includes the right of parents to "establish a home and bring up children" and "to control the education of their own." In 1925, two years later, in *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535 (1925), the court again held that the "liberty of parents and guardians" includes the right "to direct the upbringing and education of children under their control." The court explained in *Pierce* that "[t]he child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations." *Id.*, at 535.

WHEREAS St Clair County Board of Commissioners acknowledges that the U.S Supreme Court returned to the subject of parental rights in the education of their children in *Prince v. Massachusetts*, 321 U.S. 158 (1944), where the court again confirmed that there is a constitutional dimension to the right of parents to direct the upbringing of their children with the ruling that "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." *Id.*, at 166."

WHEREAS St Clair County Board of Commissioners believes that it is also a parent's right to decide how knowledge and skills are imparted to their children and in what educational context, including the interactions that take place with others during learning.

WHEREAS St Clair County Board of Commissioners believes that parents have the absolute duty and responsibility to make all decisions on how the education process influences their children and especially how their children's education will be influenced by the social, political, and psychological influences of today's society.

WHEREAS St Clair County Board of Commissioners believes that state school officials such as educators, policymakers, elected officials, executive branch officials and employees, and others must never be allowed to infringe upon the rights of parents or to use state law and law enforcement to criminalize the lawfully expressed decisions of parents about their children's education.

WHEREAS St Clair County Board of Commissioners believes that the State has no right to create a monopoly over the education system of this state by creating unjust or coercive burdens on families that force them into or force them to make it difficult to leave public education institutions.

BE IT RESOLVED, the St. Clair County Board of Commissioners encourages our state legislatures to fully affirm this state governments commitment to preserve and protect the fundamental rights of parents to direct the education of their children, and call on Governor Gretchen Whitmer to publicly acknowledge these rights; and to further confirm and support the right of Michigan parents to home school their children with no interference from the state;

BE IT FURTHER RESOLVED the St. Clair County Board of Commissioners encourages our state legislatures to pass no laws , rules or regulations that coerce parents to register their homeschool children with the Michigan Department of Education as it creates a sense of fear for families to register and places an unneeded burden and worry on the family.

BE IT FINALLY RESOLVED that the St. Clair County Board of Commissioners hereby declares its intent to fully affirm its commitment to preserve and protect the fundamental rights of parents within St. Clair County Michigan to direct the education of their children, and its further intent that public funds of the county not be used directly or indirectly to restrict the fundamental rights of parents within St. Clair County Michigan to direct the education of their children; nor shall this Board appropriate any funds for any enforcement of unconstitutional laws or regulations affecting rights of parents within St. Clair County Michigan to direct the education of their children.

IN WITNESS THEREOF, Jeffery Bohm Chairman of the Board, on behalf of the St. Clair County Board of Commissioners, sets his hand and causes the seal of the county of St. Clair , Stet of Michigan , to be affixed on the day of May 2024.



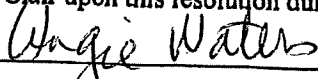
Jeffery Bohm, Chairman of the St. Clair County Board of Commissioners

STATE OF MICHIGAN)

County of St. Clair)

I, Angie Waters , Clerk of the County of St. Clair and of the County Board of Commissioners, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Board at its regular meeting on -

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of St. Clair upon this resolution duly adopted this 2nd day of May 2024 at Port Huron, Michigan.



Angie Waters, Clerk of the County of St. Clair